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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement*/ submitted by Baha'i International Community, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 June 2001]

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*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

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ENG

At the last session of the Commission on Human Rights, the Egyptian delegation used their Right of Reply to respond to an oral presentation regarding the situation of the Bahá'ís in Egypt made by the Bahá'í International Community under agenda item 11. The Bahá'í International Community had made a similar statement on the same issue at the previous Sub-Commission in August 2000.

At this time the Bahá'í International Community would like to respond to some of the issues raised in the Egyptian Right of Reply and to update the Sub-Commission on the latest developments in the situation of the Bahá'ís in Egypt.

As we have asserted from the outset, the Bahá'í International Community would have preferred to resolve the problems facing the Bahá'ís in Egypt directly with the relevant Egyptian diplomats and government authorities. However, after talks with the authorities over a number of years failed to resolve this half-century-old situation, no option remained but to raise the issue of human rights abuses facing that community at the international level.

The Bahá'í community in Egypt has coexisted peacefully with other religious communities in that country since 1868. Bahá'ís the world-over believe that the fundamental purpose of religion, emanating as it does from one God, is to promote concord and harmony. Bahá'ís, individually and collectively, avoid involvement in party politics[1] and hold obedience to government as one of their religious tenets. This position stems from the explicit directives of the Founder of the Bahá'í Faith, Bahá'u'lláh, who states: "In every country where any of this people reside, they must behave towards the government of that country with loyalty, honesty and truthfulness."[2]

Bahá'ís revere the position of the Prophet Muhammad, uphold the Holy Quran as the authoritative repository of God's word and testimony, and have the utmost respect for the religion of Islam.

Of the Prophet Muhammad, Bahá'u'lláh writes, "Exalted, immensely exalted is His station above the glorification of all beings and sanctified from the praise of the entire creation. Through His advent the tabernacle of stability and order was raised throughout the world and the ensign of knowledge hoisted among the nations."[3] In fact, as a religion which believes in the continuous and progressive nature of Divine Revelation, the Bahá'í Faith could do nothing other than uphold the truth of the Islamic message – as well as that of other divine Revelations - as a tenet of faith.

It is, therefore, particularly distressing to hear that the Bahá'ís are accused of extremism and of attacking Islam and its symbols, as asserted in the Egyptian Right of Reply under item 11 at the last session of the UN Commission on Human Rights. The statement claimed that the Bahá'ís arrested since mid-January 2001 in Sohag in Upper Egypt were arrested for possession of documents and leaflets attacking Islam and for being part of an outlawed group. However, the 9 Bahá'ís still in custody in late April 2001 are still waiting for charges to be filed. This clearly suggests some doubt on the part of the authorities that the alleged grounds for arrest would amount to charges that could stand up to scrutiny.

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[1] "Bahá'u'lláh held that political action, which is necessarily partisan and divisive in nature, cannot hold the answers to problems that are universal in their very essence. All political instruments, he pointed out, are limited and particular, whether they be national, racial, cultural, or ideological. The Bahá'í principle of non-involvement in politics does not prevent Bahá'ís from taking public positions on purely social and moral issues, when these issues are not part of any partisan political debate. Indeed, over the years Bahá'ís have been at the forefront of action on several social issues such as racial equality and non-discrimination." William S. Hatcher and J. Douglas Martin, *The Bahá'í Faith The Emerging Global Religion*, (San Francisco: Harper & Row Publishers, 1985), p. 161

[2] Bahá'u'lláh, *Tablets of Bahá'u'lláh revealed after the Kitáb-i-Aqdas*, (Haifa: Bahá'í World Centre, 1978), pp. 22-23

[3] Bahá'u'lláh, *Tablets of Bahá'u'lláh revealed after the Kitáb-i-Aqdas*, (Haifa: Bahá'í World Centre, 1978), pp. 162-163

The Egyptian Right of Reply next conveys the fact that the Egyptian Constitution does not recognize the Bahá'ís' right to freedom of belief, as this right is restricted to Muslims, Christians and Jews. The Special Rapporteur on Religious Intolerance commented on another situation where a distinction was being drawn between 'known religions' and others, with regard to Constitutional guarantees of freedom of worship. He observed that the existence of a State religion should not be, "exploited at the expense of the rights of minorities and the rights linked to citizenship."[4] In that case, existing limitations were considered by the Special Rapporteur to be 'prejudicial' and inconsistent with human rights norms, and he recommended dropping the distinction altogether. Likewise in this case, lack of recognition in the Constitution should not serve as the basis on which to detract from the human rights of the Bahá'ís or reduce the need for legal accountability with regard to their arrest, detention or sentencing.

The claim is made that the Bahá'ís have issued statements against the Mufti of Egypt. This allegation is totally unfounded. The Bahá'í International Community, in defending the rights of the Bahá'ís in Egypt, merely drew attention in one of its statements to the fact that a fatwa mentioning the Bahá'ís, issued by the Mufti of Egypt, had been reproduced in the *Asharq Al-Awsat* daily on 17/2/01. The Bahá'í International Community statement at the 57th session of the Commission also pointed out that the Mufti of Egypt had issued a fatwa calling for enforcement of the laws specifying the punishment for apostasy against the Bahá'ís who had been arrested in Sohag. This repetition of facts, which had already been published in the daily press, certainly does not constitute an attack on the Mufti of Egypt. Nor does it justify the Egyptian claim that this mentioning of facts 'threatened public order' and obliged the government 'to intervene to preserve the collective security and social stability of its citizens and avoid chaos,' as claimed in the Right of Reply.

Regarding the designation of the Bahá'í Faith as an unrecognized religion in Egypt -- after decades of recognition -- the Bahá'í International Community notes that, in its General Comment 22, the Human Rights Committee adamantly rejects such a designation as a basis for the abrogation of rights. "The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, *shall not result in any impairment of the enjoyment of any of the rights under the Covenant*, including articles 18 and 27, *nor in any discrimination against adherents of other religions or non-believers.*"[5]

In another context, the Special Rapporteur on Religious Intolerance has reminded the international community that, even *if* a member or members of a religious community *are* found to be guilty of crimes -- political or otherwise -- the guilt of the whole community cannot be extrapolated from the guilt of one or a few! He therefore advises that, "a clear distinction will be drawn between questions of belief and other questions of a political nature if the latter exist or arise. In that connection, it should not be presumed that the entire community has been politicized or is engaged in political or espionage activities."[6]

The Egyptian statement alleges concern about the "deviation" of the Bahá'ís "from the original path of its Founder," who they say is Bahaa El-Din, instead of Bahá'u'lláh. It claims that, should the Bahá'í "faction" have "continued as it was initiated, it would have received all respect and co-operation from the Egyptian authorities and enjoyed all the privileges provided for in the Islamic 'Shariaa' and the Egyptian constitution." First, the Bahá'í Faith is not a faction. In fact, the Bahá'í Faith has passed through the critical first century of its existence with the unity of its community firmly intact, undamaged by the age-old blight

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[4] A/51/542/Add.1, General Assembly, 51st session, 7 November 1996, para. 132

[5] General comment No. 22, adopted by the Human Rights Committee at its 48th session on 20 July 1993, CCPR/C/21/Rev.1/Add.4, Italics added.

[6] E/CN.4/1996/95/Add.2, Commission on Human Rights, 52nd session, 29 February 1996, para. 106

of schism and faction that has characterized other religions. Hence, the statement of the Egyptian delegation is not only inaccurate on several counts but confusing.

The statement goes on to contrast correctly the Bahá'í community with two Islamic groups. This distinction is accurate, as the Bahá'í Faith considers itself to be invested with a new measure of divine revelation and a new message from God. Its claims cannot, therefore, be compared with groups who are under the shadow of Islam and its Message.

The Bahá'í International Community's statements at the Commission and Sub-Commission have asserted only the basic human rights of the Bahá'ís in Egypt, rights that are inherent in each and every human being. Referring to human rights as "privileges" and suggesting that one needs a particular orientation in order to gain "respect and co-operation from the ... authorities" in relation to human rights is totally inappropriate. This need to distinguish clearly between inherent rights and those privileges that are granted above and beyond human rights has been highlighted in another context by the Special Rapporteur on Religious Intolerance.[7]

The Bahá'ís do not seek any special advantages or privileges from the Egyptian Government. They seek only their basic human rights, particularly the right to practice their religion, as recognized by all civilized nations in the International Bill of Rights.

The recognized human rights that need to be restored to members of the Bahá'í community in Egypt include, for example, freedom from summary arrest and detention without trial, freedom from threats on their lives, freedom from arbitrary interference with their privacy, freedom from attacks on their property, and freedom from strict and constant police surveillance without reason.

These abuses have had serious consequences for the Egyptian Bahá'í community as a whole. Members are denied the possibility of legally registering their marriages – and hence of difficulties in obtaining birth certificates for their children. This is of great consequence for family allowances, pensions, inheritance, divorce, alimony and custody of children. Furthermore, Bahá'ís are denied the right to manifest their religion in worship and observance in community life with other Bahá'ís. This right was revoked in the banning of Bahá'í activities and in the dissolving of its administrative structure in Egypt.

The Bahá'í International Community calls on the Egyptian Government to end this systematic intimidation, to restore the legitimate rights and freedoms of members of the Bahá'í Faith in Egypt, and to return all property and assets it has confiscated from the Bahá'í community. It also calls on the Government to take appropriate measures to stem the upsurge in hate crimes against Bahá'ís instigated by Government-controlled news papers, radio and television stations which routinely air calls for the extermination of the Bahá'ís in Egypt.

General Comment 22 of the Human Rights Committee explains that the restrictions on the freedom to manifest religion or belief accepted under international human rights law, to which Egypt is a party, are severely limited. "Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner."[8] It has to be pointed out that the Egyptian Supreme Court decision of 1 March 1975, upholding a 1960 Presidential Decree (No. 263) dissolving Bahá'í institutions, falls well short of this standard. The Egyptian Government's assertion at the last Commission that Bahá'ís in Egypt were arrested

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[7] E/CN.4/1996/95/Add.2, Commission on Human Rights, 52nd session, 29 February 1996, para. 89

[8] General comment No. 22, adopted by the Human Rights Committee at its 48th session on 20 July 1993, CCPR/C/21/Rev.1/Add.4, Italics added.

due to membership in an 'outlawed group' and that the Presidential Decree dissolving the administration supporting Bahá'í community life is "in conformity with Egyptian law," is insufficient to satisfy human rights standards in this regard. The General Comment again insists that, "Limitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. [of the ICCPR]" Furthermore, these limitations concern only the manifestation of religion or belief, *not* other rights such as freedom from summary arrest and detention without trial, and other abuses with which Bahá'ís in Egypt have long had to contend.

The Egyptian Right of Reply also says that the Bahá'í International Community referred to the recent report of the Special Rapporteur on Religious Intolerance in a 'misleading form.' The Bahá'í International Community oral statement at the 57th session of the Commission on Human Rights merely mentioned in passing that the Special Rapporteur had 'reported on the situation of the Bahá'ís in Egypt in his report to the current session of the Commission.' This can be seen in paragraph 33 of his report.[9] Egypt's Right of Reply states that the Special Rapporteur's report has, in fact, 'included all the Egyptian responses, and has expressed appreciation to the Government of Egypt for these responses and for its efforts to prevent the politicization of religions and for fighting religious extremism.' A closer look at this report of the Special Rapporteur soon demonstrates that none of the Egyptian responses in fact dealt with the situation of the Bahá'ís. Moreover, the appreciation expressed by the Special Rapporteur was clearly with regard to a totally different issue – that of the praiseworthy efforts of the Egyptian Government in preventing extremists from taking over mosques. This appreciation is clearly stated in the context of Government efforts to combat the political exploitation of religion, not of condoning restrictions on the human rights of a religious minority in Egypt.

In closing, the Bahá'í International Community calls for an end to the government organized persecution against Bahá'ís in Egypt and the restoration of their rights. It requests, once again, that the Sub-Commission consider the grave breaches of human rights – particularly freedom of religion - suffered by the Bahá'ís. Finally, it proposes that the Government of Egypt take the following steps:

- Repeal the Presidential Decree of 1960 dissolving the Bahá'í institutions and making illegal the performance of any of their activities, and restore the right of the Bahá'í community to form its religious institutions.

- Release from prison the ten Bahá'ís arbitrarily arrested in Sohag .

- Assign responsibility to a civil authority for registering the marriages of Bahá'ís, or give such authority to Bahá'í institutions.

- In matters pertaining to identity, birth and official documentation, give Bahá'ís the same treatment as the members of other religious minorities.

- Finally, direct the Government-controlled media to cease disseminating incorrect information designed to stir up hatred against the Bahá'ís.

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[9] E/CN.4/2001/63, 57th session, Commission on Human Rights, 13 February 2001